Rule 135. Restraining Order-Bond

Before any restraining order shall be issued, except in aid of writs of execution or replevin, in harassment proceedings, in actions for dissolution of marriage or orders for protection in domestic abuse proceedings, or in any other case exempted by law, the applicant shall give a bond in the penal sum of at least $2,000, executed by the applicant or by some person for the applicant as a principal, approved by the court and conditioned for the payment to the party restrained of such damages as the restrained person shall sustain by reason of the order, if the court finally decides that the applicant was not entitled thereto.

Cross Reference: Minn. R. Civ. P. 65.

Task Force Comment - 1991 Adoption

This rule is derived from Rule 24 of the Code of Rules for the District Courts.

By statute, governmental entities are not required to post bonds for temporary restraining orders. Minnesota Statutes 1990, section 574.18. In addition, the court may waive the bond requirement when granting an order temporarily restraining an action on a contract for the conveyance of real estate. Minnesota Statutes 1990, section 559.211. Accordingly, a specific provision allowing waiver of the bond requirement is included in the rule for cases provided by law.